

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-9 & 13-23 are rejected under 35 U.S.C. 102(e) as being anticipated by De La Torre (US 6741735).

Re claims 1-4, 8, 13, 16-18, & 22, De La Torre discloses (Figure 6; column 5, lines 8-21) a flexographic printing plate having a stochastic line screen pattern of perforations in an area printed as a solid pattern.

Concerning the recitations of intended functional elements (i.e. the statement that the perforations are designed to not receive or carry ink on the plate, or that lines fill in to a certain extent when the plate is used), while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. (In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)).

Re claims 5, 14-15, & 19, De La Torre discloses (Figures 2-3) the use of 300-1200 dot per inch periodic patterning (the latter corresponding to a pitch of approximately 32 micrometers).

Re claims 6-7 & 20-21, this line screen pattern is at a 45 degree screen angle.

Re claims 9 & 23, the line screen pattern forms a pattern having an integer multiple (one) of its frequency.

Allowable Subject Matter

3. Claim 59 is allowed.

4. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 10, the art of record does not teach or suggest the recited supercell structure in conjunction with the recited grooved relief plate arrangement.

Re claims 11-12, the art of record does not teach or suggest the recited relationship between the recited gray levels and the recited perforation distribution in conjunction with the recited grooved relief plate arrangement.

Re claim 59, the art of record does not teach or suggest the recited gray level mapping and placement of grooves on the relief plate in conjunction with the recited grooved relief plate arrangement.

Response to Arguments

6. Applicant's arguments (8/23/08 Response: page 17, line 9 - page 19, line 28) have been fully considered but they are not persuasive.

Applicant argues (8/23/08 Response: page 17, line 9 - page 19, line 28) that the art of record (De La Torre) does not teach or suggest that the described groove arrangement is applicable to an area to be printed solid.

However, the region depicted in Figure 6 is a solid block of a consistent gray level. Applicant's arguments (particularly page 17, lines 20-22) appear to be directed to characterizing the Figure 6 block of De La Torre as a density of less than 100% black. However, the recitation of the claimed "area to be printed solid" (independent claim 1) or "area to be reproduced as a solid region" (independent claim 13) requires only a solid area, which may be read upon a solid area of a consistent gray level not necessarily equal to 100%.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

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Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

/S. M. B./

Examiner, Art Unit 2625

/Thomas D Lee/

Primary Examiner, Art Unit 2625